



## Legislation Text

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**File #:** S15-0009a, **Version:** 1

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Jon Fortune

**DATE:** December 1, 2015

#### **SUBJECT**

Hold a public hearing and consider an ordinance regarding a Specific Use Permit to allow a multi-family development on an approximately 16.061 acre property generally located on the south side of East McKinney Street (FM 426), approximately 1,500 feet east of Woodrow Lane. The Planning and Zoning Commission recommends approval of this request (6-0), subject to conditions. Due to written opposition from property owners of at least 20% of the area immediately adjoining and within 200 feet of the subject property, a supermajority vote of all members of the City Council is necessary to approve the request.

#### **BACKGROUND**

The applicant is requesting approval of a Specific Use Permit (SUP) to allow a multi-family development on an approximately 16-acre property within a Neighborhood Residential Mixed Use (NRMU) District. The NRMU District requires an SUP for multifamily unless it is part of a mixed-use development, Master Planned Community (MPC), or part of a Small Area Plan. The proposed development will include 322 multi-family units with supplementary amenities, including a business center, fitness center, swimming pool, two community centers, and an after school program. According to the applicant, the project is proposed in cooperation with the Denton Housing Authority and all units will be subsidized by Low-Income Housing Tax Credits. No market rate apartments will be offered.

In 2008, the subject property and the 10-acre property to the west were rezoned from a Neighborhood Residential Mixed Use 12 (NRMU-12) District to the current NRMU District. This rezoning was in association with an SUP for a 369-unit multi-family development also approved in 2008. Because the development was not constructed within 24 months of its approval, this SUP has expired per Subchapter 35.6.6.A of the Denton Development Code (DDC).

To comply with public hearing notice requirements, seven notices were sent to property owners within 200 feet of the subject property, 21 courtesy notices were sent to the physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and signs were placed on the property. The applicant also hosted a neighborhood meeting on Monday, October 26, 2015 at the American Legion Senior Center at 629 Lakey Street.

Section 211.006(d) of the Texas Local Government Code requires that if a proposed change to zoning regulations for a property is protested by the owners of at least 20% of the area of land within 200 feet of the proposed change, the affirmative vote of at least three-fourths of all members of the governing body is

necessary to approve the change. In computing the percentage of land area under this provision, the area of streets and alleys shall be included. Staff received written opposition from an owner of approximately 40.55% of the 200 feet area surrounding the subject property. Therefore, a supermajority vote of all members of the City Council is required to approve the SUP request. A map of the public notification boundary and responses received has been attached for reference.

### **OPTIONS**

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

### **RECOMMENDATION**

The Planning and Zoning Commission recommends approval of this request (6-0), subject to the following conditions:

1. Development of the site shall substantially comply with the site plan and landscape plan attached.
2. The maximum number of units of the development shall be 322 units.
3. The western access shall be emergency access only until McKinney Street is widened and a median is installed.
4. Buildings facades facing McKinney Street shall have a minimum of 60% masonry building materials. Gables, windows, doors, and related trim may be excluded from the percentage calculation.

The Development Review Committee recommends approval of this request, subject to the above conditions.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On November 4, 2015, the Planning and Zoning Commission recommended approval of the rezoning request (6-0), subject to conditions.

### **EXHIBITS**

1. Staff Analysis
2. Aerial
3. Zoning Map
4. Future Land Use Map
5. Applicant Narrative
6. Site Plan
7. Landscape Plan
8. Type A Elevations
9. Type B Elevations
10. Type C Elevations
11. Type D Elevations
12. Type E1 Elevations
13. Type E2 Elevations

14. Type F Elevations
15. Site Photos
16. Public Notification Map and Responses
17. November 4, 2015, Planning and Zoning Commission Meeting Minutes
18. Draft Ordinance

Respectfully submitted:  
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